

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON AUGUST 12, 2014

The regular meeting of the Town of Warrenton was held on August 12, 2014 in the Town Council Chambers.

Councilmembers present: Powell L. Duggan, Mayor, presiding, Vice Mayor Sunny Reynolds, Councilmembers Sean M. Polster, Joan R. Williams, Yakir M. Lubowsky, Robert H. Kravetz and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson W. Robinson, Town Attorney and Evelyn J. Weimer, Town Recorder.

The meeting was called to order by Mayor Duggan.

MOMENT OF SILENCE.

The Mayor noted that rather than invocation a moment of silence would be given for longtime Town of Warrenton employee, Ms. Robin Moorman, who recently passed away after battling cancer.

CITIZENS TIME.

Mayor Duggan explained the process of holding a closed session to the audience.

Ms. Janet Metzger.

Ms. Metzger, owner of the Empty Nest at 92 Main Street, came forward and requested a trash can be removed from in front of her business and placed in the area of the Great Harvest Bakery and Drum and Strum where there is food traffic. The Manager noted it would be taken care of.

There were no other citizens to speak.

PUBLIC HEARINGS.

Ordinance 2014-03, An ordinance updating and amending Chapter 10, "Motor Vehicles and Traffic", Section 10-2 entitled "Adoption of State Laws" of the Code of the Town of Warrenton to incorporate changes in State Law effective July 1, 2014 and subsequent changes.

The Town Attorney stated that every year the Town receives updates on what legislation the State legislature has passed for traffic enforcement. The Town Code is updated annually to reflect those changes.

The Mayor opened the public hearing at 7:05 p.m. There being no citizens to speak for or against, the public hearing closed at 7:06 p.m.

On a motion by Mr. Lewis, seconded by Mr. Kravetz, the Council voted 6-0 for the motion (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis, against: none).

Proposed revised budget for fiscal year 2013-2014. Ms. Stephanie Miller, Finance and Human Services Director.

Ms. Miller came forward and noted that the resolution distributed detailed the encumbrances and reservations for FY 2014. She stated that the encumbrances are for purchase orders issued in FY 2014 and at the close of the fiscal year the purchase orders must remain open to allow for the delivery of the items or completion of the project. She requested that the amounts be carried forward. The remaining balances of several unexpended appropriations are kept in reserve for ongoing projects.

Mayor Duggan thought there would be a motion forthcoming to push the matter to the September Council meeting and a Finance Committee meeting will be set up.

The Mayor called for those citizens wishing to speak for or against the request. There were no citizens to speak for or against.

Mr. Polster moved that the proposed revised budget for fiscal year 2013-2014 be sent to the Finance Committee for more consideration with Ms. Miller's input and put back on the September Council Agenda. Ms. Reynolds seconded the motion.

Mr. Kravetz asked the purpose of sending the revised budget to the Finance Committee as he understood they are such things as The Gun Shop, which was for ammo for the police department ordered last year but not yet delivered, and vendors have done something to satisfy the commitment but have not quite finished it. He said that he did not think that the Finance Committee can undo any of that. Ms. Reynolds noted that it was not for that issue but more for her and Mr. Polster since it seems some of the items are in code. She stated that they did not know what they were for and felt it also good that the public knew exactly what the items are for. She said there was no interest in stopping the items from being paid and that they understood the procedure. She said it was a good idea since a lot of people have questions about the budget and what is funded. She felt it needed to be talked about in public and the public could come and ask questions. It will help understand where the money is going and who it is going to. The Mayor stated that it was his understanding that it would not delay payment.

Mr. Kravetz asked Ms. Miller to annotate the list so it is known specifically what the funds are for and she agreed to do so. On a vote of 5-1 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, against: Lewis) the motion passed.

Zoning Text Amendment #14-02. Article 5 - Stormwater Management Program.
The text amendment is proposed to update the Town's stormwater management regulations in the Zoning Ordinance to facilitate the adoption of its own program per changes to the Code of

Virginia. Pursuant to Code § 62.1-44.15:27, the ordinance is to be adopted as part of an initiative to integrate the Town of Warrenton stormwater management requirements with the Town of Warrenton's erosion and sediment control, flood insurance, and flood plain management requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the Town and those responsible for compliance with these programs.

The Mayor opened the public hearing at 7:10 p.m. and called upon the Planning Director to give the staff report. Ms. Sitterle came forward and noted that it was a Zoning Ordinance Text Amendment to incorporate the Stormwater Management Program into Article 5 to facilitate the adoption of its own program per changes to the Code of Virginia. She stated it is important because it transferred the responsibility for control of stormwater management to the Town. The Town has been identified as a MS-4 community as of February 2014, which makes the operation of the local stormwater management program mandatory for the Town. The Town prepared the program requirements and provided them to DEQ. DEQ approved the guidelines but the Department cannot grant authority to operate the VSMP until the ordinance has been adopted. The Planning Commission reviewed the amendment and inquired about changes for staff and staff indicated it was a new program to implement but similar to the existing Erosion and Sediment Control Program that is handled by the Town. She noted that there was opportunity to partner with the County and School Board under the MS-4 program to provide education outreach to the schools and community. The Planning Commission approved the text amendment.

The Mayor called for citizens to speak for or against. There were no citizens to speak, so the public hearing was closed at 7:12 p.m.

On a motion by Mr. Kravetz, seconded by Mr. Lubowsky, the Zoning Ordinance Text Amendment, ZTA #14-02, Article 5, Stormwater Management Program, was approved on a vote of 6-0 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

Special Use Permit #14-02. 763 James Madison Highway – Farm Equipment, Motorcycle, Boat and Sport Trailer Sales and Service; Automobile and Truck Repair; and Contractor's Storage Yard. The request is per Article 3-4.10.3 of the Zoning Ordinance to allow use of the site for the above-mentioned uses, which are permissible with a Special Use Permit in the Industrial District. The subject property (GPIN 6983-67-5171) is the former location of Stock Building Supply and has an existing building and storage structures within a fenced rear yard. The site is nine (9) acres and is zoned Industrial. The Comprehensive Plan identifies the property as suitable for light industrial uses, including manufacturing, flex industrial uses, and wholesale commercial uses with limited office uses. The applicant is Cecil Campbell, and the property owner is Wilson Real Estate LLC.

Mayor Duggan opened the public hearing at 7:14 p.m. and asked the Planning Director to give the staff report. Ms. Sitterle noted that request was proposed to allow uses that are not permitted in the Industrial District. She stated that Cecil Tractor would like to move to the 763 James Madison Highway location to consolidate some of the other businesses as well. She indicated that the nine acres seemed to be a suitable location. She noted that staff reviewed the

request and the parking appears to be adequate on site but the landscaping needed a bit of adjustment. Site lighting would also need to be confirmed in the site plan process. Staff met with the applicant and had discussed alternative locations for some of the landscaping to meet Zoning Ordinance requirements and it appeared that would be met. The Commission reviewed the request in July and there were questions about use of the current business location. The Commission thought it was an improvement for circulation and traffic access and recommended it for consideration to the Council.

The Mayor called for those to speak in favor.

Mr. Walter Hitchcock.

Mr. Hitchcock noted that he was the owner of the parcel immediately behind the old Wilson Brothers building. He felt it was a great idea and an easier access for the equipment and get some traffic off of the bypass.

Ms. Kellie Ann Richardson.

Ms. Richardson, representing the Greater Warrenton Chamber of Commerce thought it was a great idea.

The Mayor called for others to speak for or against the request. There were no others wishing to speak, so the public hearing was closed at 7:19 p.m.

On a motion by Ms. Reynolds, seconded by Mr. Kravetz, the Special Use Permit #14-02. 763 James Madison Highway – Farm Equipment, Motorcycle, Boat and Sport Trailer Sales and Service; Automobile and Truck Repair; and Contractor's Storage Yard was approved on a vote of 6-0 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

CONSENT AGENDA.

- a. Approval of Council minutes of the regular meeting held on July 8, 2014.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending July 31, 2014.
 - (2) July statement of accounts paid.
 - (3) Miscellaneous staff reports.
 - (4) Receive minutes of the Planning Commission meeting held on June 17, 2014 and Architectural Review Board meeting held on May 22, 2014.
- c. Resolution – Fauquier High School Connectivity.

Mayor Duggan noted that everyone should have received the revised resolution for Fauquier High School connectivity. The Town Attorney said that the Parks and Recreation Committee had suggested putting together connectivity with the trail between Old Gold Cup

Subdivision and the W.A.R.F. and asked that the Liaison Committee start working with the County and School Board on the matter.

Mr. Polster moved that 5 a), "Approval of Council minutes of the regular meeting held on July 8, 2014," be removed from the Consent Agenda, so he could record his vote properly on "Special Use Permit #14-01. Cluster Development for R-15 Lots adjacent to Falmouth and East Lee Streets and Oliver City Road."

Mayor Duggan asked for action on the balance of the Consent Agenda. On a motion by Mr. Kravetz, seconded by Mr. Lewis, and a 6-0 vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none) the Consent Agenda was approved as amended.

Mr. Polster noted that he did not vote in the affirmative due to the fact that he needed clarification of the intersection being an "f". He asked his vote be noted as "present, no vote." The Town Attorney noted that the Rules of the House of Delegates allow for a "present and no vote" and that Mr. Polster had indicated that he did not feel comfortable voting for or against it and he wanted to clarify that while he was present, he did not vote – in other words abstained. The reasoning was he did not feel comfortable having just started as a Councilman.

Mayor Duggan called for a motion. On a motion by Mr. Kravetz, seconded by Mr. Lubowsky, the minutes of the July 8, 2014 meeting were corrected as noted by Mr. Polster on a 6-0 vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

NEW BUSINESS.

Consideration of approval of request to hold wine tasting event sponsored by The Shops at Fifth and Main Street on Saturday, October 4, 2014.

Ms. Terry Kaye came forward and noted that a wine tasting event is planned and a portion of Fifth Street would be closed so vendors can set up. She stated the vendors would be wineries as well as food vendors.

Ms. Kellie A. Richardson came forward and noted that their goal was to grow the event.

Ms. Kaye noted that only 10-13 vendors were expected and there would be no interference with the Farmers' Market or the parking lot.

The Mayor asked the Police Chief if he had comments and Chief Battle indicated that Sgt. G.W. Southard, Jr., had met with the organizers and one officer would be assigned to the event. The Manager noted that any coordination with the A.B.C. Board would be completed by the organizers. Ms. Kaye noted that she had contacted the A.B.C. Board and the wineries have to have their documentation in order.

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, approved the event on a 6-0 vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

Consideration of request of Fauquier High School to hold the annual Homecoming Parade on Friday, September 19, 2014.

Ms. Diana Story, SCA sponsor at Fauquier High School, and Matt Reins, President of the Student Council, came forward and requested permission to hold the annual Fauquier High School Homecoming Parade.

Ms. Story noted that she had met with the Police Department and the parade start time was not a problem. Mr. Reins noted that the parade as a great experience for students, parents and friends and a chance for students to show their creativity and how much they care about their school.

Chief Battle noted that the parade will start at 5 p.m., with street closures occurring at 3 p.m., and was easily manageable.

Ms. Reynolds noted that the flashing sign perhaps should be put out.

On a motion by Mr. Kravetz, seconded by Ms. Reynolds, approved the event on a 6-0 vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

Consideration of request to hold annual Christmas parade on Friday, December 5, 2014.

Mr. Polster noted the event would occur on December 5 and nothing had changed from last year. Chief Battle noted that everything is in order and that it is a great event.

On a motion by Mr. Polster, seconded by Mr. Kravetz, approved the event on a 6-0 vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

UNFINISHED BUSINESS.

Appointment of Ward One Councilmember.

The Mayor noted that expressed appreciation that there were four qualified candidates willing to serve the Town in this manner. He stated that for the three who are not successful there are other ways to serve the Town as members of other boards and commissions.

Ms. Reynolds nominated Mr. Jerry Wood for the vacancy. Mr. Lubowsky seconded the nomination. The Mayor asked if there were other nominations. There being none, the nominations were closed. On a motion by Mr. Lewis, seconded by Mr. Kravetz, and a 6-0 Council vote (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none). The Mayor noted to Mr. Wood that he must be sworn in prior to being able to vote.

Consider Change to the Warrenton Events Policy.

Mr. Polster moved to send the Warrenton Events Policy back to the Warrenton Public Safety Committee for consideration. Ms. Reynolds seconded the motion. Mr. Kravetz asked if the current policy is to be held in abeyance and Mr. Polster clarified that it would move the

current policy back to the Public Safety Committee. On a vote of 6-0 the motion passed (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none).

REPORTS AND COMMUNICATIONS.

Report from Center District Supervisor.

Supervisor Granger was not present due to his attendance at his daughter's Back to School Night. He noted that Mr. Granger indicated that the main thing was the library meeting held earlier and the County is considering two sites. One is on Alexandria Pike where the old car dealership was, across from Eva Walker Park. The other is space is on Waterloo Street on the grassy area which one side is on Chestnut Street.

Report from the Town Attorney.

Making election laws applicable to towns having populations of 25,000 or more applicable to Warrenton.

The Town Attorney noted that changes for laws from the Virginia General Assembly (specifically stormwater management which had just been done earlier in the evening), but most of the rest had nothing to do with the Town. As for the election laws applicable to Town, he indicated that he had the Code section which allows for "...the governing body of any Town with the population of less than 25,000, may provide by ordinance that the provisions of this chapter shall be applicable to Town offices in the Town." He stated some towns have done this and he had a sample ordinance. He said that perhaps Council may wish to move it to September.

67 Waterloo.

Mr. Robinson stated that the owner is in attendance and the structural engineer had made a report. The Town is looking at the possibility of having the State do its own structural engineering analysis. He stated in the Town Code with more than 75% of the building being destroyed the owner would not have to go through the A.R.B. to raise the building, as well as the potential for the State Code, which says the party has to go through the A.R.B., however, if the building official determines it should come down, it bypasses the A.R.B. process. The Manager noted that the Virginia Department of Historic Resources did not have a structural engineer either, since they use consultants. The Town has contacted two in the area to endeavor to get an independent look and also there are Town and State Code provisions and even a conflictual provision that deals with exempting out landmarks. He stated that there would be some reconciliation that would have to occur once the structural and independent portion comes back to the Town. He thanked the owner who had started some demolition but stopped because it may have some impact at this juncture on perhaps on the house and the quarters located in the rear. Mayor Duggan asked how soon would information be received from the engineer and the Manager responded that he was not going to venture to say but moving as fast as we can.

Mr. Polster believed that the Town Council could require remove or repair and asked at what point that would occur. Mayor Duggan asked that the item be an agenda item under

“Unfinished Business” for the September meeting. The Manager stated that there could be a conflictual matter concerning the percentage and it could be even higher than the percentage indicated. He was not sure whether it would pivot the code relative to landmarks.

Report from the Finance Committee.

Mr. Lewis noted that the Committee would be meeting at least a week prior to the next meeting.

Report from Public Safety Committee.

Mr. Kravetz noted that there would be a quarterly meeting held on September 3 at 10 a.m. and the events issue would be added to the agenda.

Report from the Public Works Committee.

There was no report.

Report from the Utilities Committee.

There was no report.

Report from Planning District 9 Representative

There was no report but it was noted that there is an upcoming meeting.

Report from the Transportation Committee.

Ms. Reynolds noted the Committee has not met yet due to contemplation of merging the Transportation and Public Safety Committees. She stated that there is a pending program in the Transportation Committee which needs to be addressed concerning the bicycle lanes. She stated that there would be a report on that prior to the next Council meeting. Mayor Duggan stated that Mrs. Rice would be giving that report.

Report from the Recreation Committee.

Mr. Kravetz stated that there was a meeting held on August 5 to update the newest Councilmembers serving on that committee on what was going in Parks and Recreation. He noted that the Committee will be meeting more frequently to talk about enhancements and things proposed for all the parks in Town. He stated that a meeting may be held next month. Mayor Duggan noted that he believed there would be follow-up information on the W.A.R.F. and Mr. Kravetz confirmed it was.

Report from the Liaison Committee.

Mayor Duggan noted that there would be a meeting on August 25 at 4 p.m. at the Warren Green building.

Report from the Historic District Planning Committee.

Mr. Lewis stated thought that the Public Works Committee and Water Committee could be combined. He suggested that he and Mr. Lubowsky would meet to talk about and prepare a proposal for Council consideration. Mr. Lubowsky agreed to discuss it.

Report from the Town Manager.

Mr. McLawhon noted that there was now an opening on the Board of Zoning Appeals and asked for Council approval to advertise for the opening. Council consensus was to move forward.

Report from the Special Task Force.

Mr. Lubowsky noted that there was no report at the present time.

COUNCILMEMBERS' TIME.

Mr. Kravetz noted that work is progressing on the Halloween parade with a lot of buy-in from businesses and Walmart would be furnishing at least 500-600 treat bags for the children.

Mr. Lewis noted that a retreat would be held on the 18th and the facilitator had asked for five things he would like to walk away from the retreat with. He stated he responded that it would be wonderful if all could walk away from the meeting with a feeling of comradeship and fellowship and working from the same sheet of music.

CLOSED SESSION – for the purpose of discussion of pending litigation matters with the Town Attorney as authorized in Section 2.2-3711 (A) (7) – Rizer v.s. Town of Warrenton.

On a motion by Mr. Lewis, seconded by Mr. Kravetz, Council voted 6-0 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none), the general session was adjourned and the closed session convened.

On a motion by Mr. Lewis, seconded by Mr. Kravetz, and a Council vote by raising of hands of 6-0 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis, against: none), the general session was reconvened. PROPER CERTIFICATION IS FILED.

On a motion by Ms. Reynolds, seconded by Mr. Kravetz, to authorize the Town Manager and the Town Attorney to execute documents necessary to effectuate the settlement of the litigation filed by Jeffrey K. Rizer related to the proposed Winchester Chase subdivision.

The settlement provides for the approval of a revised preliminary plat for 71 lots, the dedication of land for a turning lane off Winchester Street into the Winchester Chase subdivision to alleviate potential traffic back-ups along Winchester Street, fencing and a landscape buffer to shield Winchester Chase from view from Winchester Street, and additional future landscape buffers along the property line shared with the North Rock subdivision and such other terms as are reasonably necessary to effectuate the settlement of the litigation.

Council voted 6-0 (for: Reynolds, Polster, Williams, Lubowsky, Kravetz, Lewis; against: none) for the motion.

There being no further business, the meeting adjourned.

Evelyn J. Weimer, Town Recorder